

Douglas S. Eakeley  
**LOWENSTEIN SANDLER PC**  
65 Livingston Avenue  
Roseland, New Jersey 07068  
973.597.2500  
*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

IN RE CADBURY PLC SHAREHOLDER  
LITIGATION

THIS DOCUMENT RELATES TO:  
ALL CASES

**DOCUMENT ELECTRONICALLY  
FILED**

Civil Action No. 09-5006 (DMC) (MF)

**DEFENDANTS' NOTICE OF MOTION  
TO DISMISS**

**Hearing Date: January 21, 2010**

Filed Under the Briefing Schedule Set by the  
Court at the January 5, 2010 Hearing

TO: Peter S. Pearlman  
Jeffrey W. Herrmann  
Cohn Lifland Pearlman Herrmann & Knopf LLP  
Park 80 Plaza West-One  
Saddle Brook, New Jersey 07663

Joseph J. DePalma  
Bruce D. Greenberg  
Lite DePalma Greenberg & Rivas LLC  
Two Gateway Center, 12th Floor  
Newark, New Jersey 07102

**PLEASE TAKE NOTICE** that the individual defendants and nominal defendant Cadbury plc (collectively, "Defendants") shall move before the Honorable Dennis M. Cavanaugh, United States District Judge, at the Frank R. Lautenberg United States Post Office & Courthouse Building in Newark, New Jersey, under *forum non conveniens* or, alternatively, Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an Order granting Defendants' motion to dismiss all claims asserted in the Amended Verified Shareholder Class Action and Derivative Complaint, dated December 23, 2009, with prejudice.

**PLEASE TAKE FURTHER NOTICE** that in support of Defendants' motion to dismiss, Defendants will rely upon the accompanying (1) Brief, (2) the Declaration of David Watkins, and (3) the Declaration of Douglas S. Eakeley. Pursuant to Local Rule 7.1(e), a proposed Order has been submitted with this motion.

**PLEASE TAKE FURTHER NOTICE** that oral argument is hereby requested.

*Of Counsel:*

Alan S. Goudiss  
Alexandra Dosman  
Brian G. Burke  
**SHEARMAN & STERLING LLP**  
599 Lexington Avenue  
New York, New York 10022  
212.848.4000

Respectfully submitted,

Douglas S. Eakeley  
Jason Halper  
**LOWENSTEIN SANDLER PC**  
65 Livingston Avenue  
Roseland, New Jersey 07068  
973.597.2500  
973.597.2400 (Fax)  
deakeley@lowenstein.com  
*Attorneys for Defendants*

By: /s/ Douglas S. Eakeley

Dated: January 11, 2010